



BOULT ■ CUMMINGS
CONNERS ■ BERRY PLC

RECEIVED

Henry Walker
(615) 252-2363
Fax: (615) 252-6363
Email: hwalker@boultcummings.com

OCT 9 PM 4 00

October 8, 2002

Hand Delivered

TN REGULATORY AUTHORITY
DOCKET ROOM

Ron Jones, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

*Re: In the Matter of Petition Of Tennessee UNE-P Coalition To
Open Contested Case Proceeding To Declare Unbundled
Switching An Unrestricted Unbundled Network Element*

Docket No. 02-00207

Dear Director Jones:

I am writing on behalf of the UNE-P Coalition to you in your capacity as Hearing Officer in the above-captioned proceeding.

We have reviewed the stipulations proposed by BellSouth in the above-captioned proceeding and have concluded that it appears that the parties will not be able to reach agreement on the stipulations.

In summary, the proposed stipulations generally fall into two categories: (1) information about CLEC switch locations and capabilities which, except for information regarding the switches of the Coalition's own members, the Coalition cannot independently confirm, and (2) argumentative assertions that have nothing to do with BellSouth's original data requests.


It appears that BellSouth is asking the Coalition, in effect, to stipulate to BellSouth's entire case. Moreover, while BellSouth has now acknowledged it already has in its possession much of the information it originally requested from the non-party CLECs, information which BellSouth intends to use at the hearing, the Coalition is apparently precluded, absent the ability to take supplemental discovery, from asking BellSouth any questions about the reliability and details of that information.

The Coalition is willing to discuss these matters further at a pre-hearing conference if requested by the Hearing Officer. The Coalition asks that any such conference be scheduled no earlier than Thursday, October 10, 2002.

Ron Jones, Director
October 8, 2002
Page 2

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
Henry Walker

HW/nl

c: Joelle Phillips, Esq.
Chuck Welch, Esq.